

# **EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

KAYLA GORE; JAIME COMBS; L.G.; and  
K.N.,

*Plaintiffs,*

v.

WILLIAM BYRON LEE, in his official  
capacity as Governor of the State of  
Tennessee; and LISA PIERCEY, in her  
official capacity as Commissioner of the  
Tennessee Department of Health,

*Defendants.*

Case No. 3:19-CV-00328

DISTRICT JUDGE RICHARDSON  
MAGISTRATE JUDGE HOLMES

**DECLARATION OF BRANDT THOMAS ROESSLER IN SUPPORT OF  
PLAINTIFFS' REPLY IN SUPPORT OF THEIR  
MOTION FOR SUMMARY JUDGMENT**

I, Brandt Thomas Roessler, being of legal age and sound mind, do hereby state as follows:

1. I am an associate of Baker Botts L.L.P. and counsel of record for the plaintiffs in this action.
2. I am a member of the bar of the State of New York and have been admitted *pro hac vice* to this court.
3. I submit this declaration, based on my personal knowledge, in support of Plaintiffs' Reply in Support of Their Motion for Summary Judgment.
4. Attached as **Exhibit A** to this declaration is a true and correct copy of the transcript of the April 14, 2020 deposition of Plaintiffs' expert witness Dr. Randi Ettner, Ph.D. in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.).

5. Attached as **Exhibit B** to this declaration is a true and correct copy of the transcript of the April 15, 2020 deposition of Plaintiffs' expert witness Dr. Shayne Sebold Taylor, M.D. in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.).

6. Attached as **Exhibit C** to this declaration is a true and correct copy of the transcript of the April 13, 2020 deposition of Plaintiff Kayla Gore in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.), redacted to remove confidential information pursuant to the Stipulated Protective Order, Doc. 42.

7. Attached as **Exhibit D** to this declaration is a true and correct copy of the transcript of the April 24, 2020 deposition of Plaintiff Jaime Combs in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.), redacted to remove confidential information pursuant to the Stipulated Protective Order, Doc. 42.

8. Attached as **Exhibit E** to this declaration is a true and correct copy of the transcript of the April 17, 2020 deposition of Plaintiff L.G. in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.), redacted to remove confidential information pursuant to the Stipulated Protective Order, Doc. 42, and personally identifiable information pursuant to the Order of Protection Granting Leave for Plaintiff L.G. to Proceed Pseudonymously, Doc. 22.

9. Attached as **Exhibit F** to this declaration is a true and correct copy of the transcript of the May 12, 2020 deposition of Plaintiff K.N. in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.), redacted to remove confidential information pursuant to the Stipulated Protective Order, Doc. 42, and personally identifiable information pursuant to the Order of Protection Granting Leave for Plaintiff K.N. to Proceed Pseudonymously, Doc. 23.

10. Attached as **Exhibit G** to this declaration is a true and correct copy of the transcript of the May 21, 2020 deposition of Defendants' expert witness Dr. Anthony Trabue, M.D. in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.).

11. Attached as **Exhibit H** to this declaration is a true and correct copy of Exhibit 6 to the deposition transcript of Defendants' expert witness Dr. Anthony Trabue, M.D., the committee opinion on *Care for Transgender Adolescents* as published by the American College of Obstetricians and Gynecologists, dated January 2017.

12. Attached as **Exhibit I** to this declaration is a true and correct copy of the transcript of the May 20, 2020 deposition of Defendants' expert witness Mr. Edward Gray Bishop, III in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.).

13. Attached as **Exhibit J** to this declaration is a true and correct copy of Exhibit 4 to the deposition transcript of Defendants' expert witness Mr. Edward Gray Bishop, III, the *Handbook on Birth Registration and Fetal Death (Stillbirth) Reporting*, as published by the Tennessee Department of Health Policy, Planning and Assessment, Office of Vital Records, dated September 2007.

14. To be filed under seal, pending leave of court, concurrently with this declaration are **Exhibit K**, **Exhibit L**, and **Exhibit M**, which are true and correct copies of certain Certificates of Live Birth as issued by the Tennessee Department of Health and introduced as Exhibits 5, 7, and 8, respectively, to the deposition transcript of Defendants' expert witness Mr. Edward Gray Bishop III.

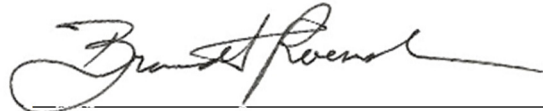
15. Attached as **Exhibit N** to this declaration is a true and correct copy of Exhibit 13 to the deposition transcript of Defendants' expert witness Mr. Edward Gray Bishop III, a print-

out of the Tennessee Department of Health's webpage entitled "How do I get my certificate corrected?" as printed on May 18, 2020.

16. Attached as **Exhibit O** to this declaration is a true and correct copy of the transcript of the May 22, 2020 deposition of Defendants' expert witness Vanessa Lefler, Ph.D. in *Gore v. Lee*, Case No. 3:19-cv-00328 (M.D. Tenn.).

I declare under penalty of perjury that the foregoing statements are true and correct.

Dated this 29th day of May 2020.

A handwritten signature in black ink, appearing to read "Brandt Thomas Roessler", written over a horizontal line.

Brandt Thomas Roessler